

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA**

**NEWMAN DIVISION**

**CASE NO.: 3:17-cv-23-TCB**

JAMES LAWSON,

Plaintiff,

vs.

KEYSTONE CONTRACTORS, INC.  
MARTIN MABIE.

Defendants.

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**COMPLAINT**

*{Jury Trial Demanded}*

Plaintiff, JAMES LAWSON (“LAWSON” OR “PLAINTIFF”), through counsel, sues Defendants, KEYSTONE CONTRACTORS, INC. (“KEYSTONE”) and MARTIN MABIE, (“MABIE”) (collectively, Defendants) and alleges the following:

1. This is an action for damages brought under the Fair Labor Standards Act (“FLSA”).
2. This Court has supplemental jurisdiction over the pendent state law contract claim pursuant to 28 U.S.C. §1337.

3. Plaintiff resides in this Court's jurisdiction and is a past employee of Defendants.
4. At all times material hereto, Defendant, KEYSTONE, was a domestic for profit corporation engaged in the electrical contracting business, was licensed to transact business in the State of Georgia, conducted business in Atlanta, Georgia, was an "employer" of the Plaintiff within the meaning of 29 U.S.C. §203(d) and at all times material hereto, engaged along with its employees in interstate commerce, and had annual gross sales and/or business volume of \$500,000 or more.
5. At all times material hereto, Defendant KEYSTONE was the "Employer" of Plaintiff as that term is defined under statutes referenced herein and was "Enterprise" as it along with its employees was engaged in interstate commerce as described above and has annual gross sales and/or business volume of \$500,000 or more. In furtherance of said business, Defendants' employees including Plaintiff handled, or otherwise worked on goods or materials that have been moved in or produced for such commerce and further utilized equipment/tools to perform the electrical contracting which had also moved in interstate commerce.

6. At all times material hereto, Defendant, MARTIN MABIE was a resident of Brooks, Georgia and was, and now is, the managing agent, director and/or owner of Defendant, KEYSTONE CONTRACTORS, INC.; said Defendant acted and acts directly in the interests of the Defendant, KEYSTONE CONTRACTORS, INC., in relation to said co-Defendant's employees. Defendant effectively dominates KEYSTONE CONTRACTORS, INC. administratively or otherwise acts, or has the power to act, on behalf of the limited liability company vis-a-vis its employees and had the authority to direct and control the work of others. Thus, MARTIN MABIE was and is an "employer" of the Plaintiff within the meaning of 29 U.S.C. §203(d).
7. In justifiable reliance upon Defendants' representations and promises, Plaintiff accepted employment and worked for Defendants as an electrician at an agreed hourly rate of \$21.00 per hour.
8. From about April 20, 2015 to February 13, 2017, Plaintiff worked on an average of 55 hours per week with Defendants deliberately failing to pay Plaintiff both his straight and overtime pay.
9. Defendant failed to properly compensate Plaintiff for all hours worked including but not limited to time spent picking up and transporting employees for Defendants' benefit, driving to the

yard to pick up supplies and waiting for other employees to show up to transport them to the job site.

10. Plaintiff has complied with all conditions precedent to bringing this suit, or same have been waived or abandoned.
11. Plaintiff has retained the services of the undersigned and is obligated to pay for the legal services provided.

**COUNT I**  
**VIOLATION OF FAIR LABOR STANDARDS ACT ("FLSA")**  
**(ALL DEFENDANTS)**

12. Plaintiff reavers and realleges paragraphs 1-11 herein.
13. Plaintiff alleges this action pursuant to the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216 (b), that Plaintiff is entitled to: (i) time-and-a-half overtime pay, and (ii) liquidated damages pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq.
14. Plaintiff seeks recovery of damages as referenced above and further seeks interest, costs, and attorney's fees pursuant to 29 U.S.C. § 216(b).

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, plus costs, reasonable attorney's fees, and such other remedy as the court deems just and appropriate.

**COUNT II**  
**BREACH OF ORAL CONTRACT**  
**(KEYSTONE CONTRACTORS, INC.)**

15. Plaintiff reavers and realleges paragraphs 1-11 herein.
16. Plaintiff entered into an oral contract with Defendant for payment of wages.
17. Plaintiff worked for Defendant and did not receive the compensation promised as Defendant arbitrarily reduced Plaintiff's pay for travel time which was directly related to Defendant's business operations and requirements.
18. Plaintiff has been damaged as a result of Defendant's failure to pay the agreed upon wages.

WHEREFORE, Plaintiff demands judgment against Defendant for the unpaid wages that are due and owing, prejudgment interest, reasonable attorney's fees and costs incurred pursuant to O.C.G.A. § 34-5-5 and any and all further relief this Court deems just and appropriate.

Respectfully submitted,

Goldberg & Loren, P.A.  
100 S. Pine Island Road  
Suite 132  
Plantation, FL 33324  
Phone: (954)585-4878  
Facsimile: (954)585-4886  
E-Mail: JLoren@goldbergloren.com

A handwritten signature in blue ink, appearing to read "James M. Loren".

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James M. Loren, Esquire  
Ga Bar No.: 551363

**CIVIL COVER SHEET**

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

**I. (a) PLAINTIFF(S)****DEFENDANT(S)****(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF**  
(EXCEPT IN U.S. PLAINTIFF CASES)**COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT**  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

**(c) ATTORNEYS** (FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)**ATTORNEYS** (IF KNOWN)**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

- |                             |  |
|-----------------------------|--|
| 1 U.S. GOVERNMENT PLAINTIFF | 3 FEDERAL QUESTION<br>(U.S. GOVERNMENT NOT A PARTY)          |
| 2 U.S. GOVERNMENT DEFENDANT | 4 DIVERSITY<br>(INDICATE CITIZENSHIP OF PARTIES IN ITEM III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)  
(FOR DIVERSITY CASES ONLY)

| PLF | DEF                                       | PLF | DEF   |
|-----|---|-----|---|
| 1   | 1 CITIZEN OF THIS STATE                   | 4   | 4 INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE     |
| 2   | 2 CITIZEN OF ANOTHER STATE                | 5   | 5 INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE |
| 3   | 3 CITIZEN OR SUBJECT OF A FOREIGN COUNTRY | 6   | 6 FOREIGN NATION  |

**IV. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

- |                       |                            |                                 |                          |  |                            |  |
|-----------------------|----------------------------|---------------------------------|--------------------------|--|----------------------------|--|
| 1 ORIGINAL PROCEEDING | 2 REMOVED FROM STATE COURT | 3 REMANDED FROM APPELLATE COURT | 4 REINSTATED OR REOPENED | TRANSFERRED FROM<br>5 ANOTHER DISTRICT<br>(Specify District) | 6 MULTIDISTRICT LITIGATION | APPEAL TO DISTRICT JUDGE<br>7 FROM MAGISTRATE JUDGE JUDGMENT |
|-----------------------|----------------------------|---------------------------------|--------------------------|--|----------------------------|--|

**V. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**(IF COMPLEX, CHECK REASON BELOW)**

1. Unusually large number of parties.
2. Unusually large number of claims or defenses.
3. Factual issues are exceptionally complex
4. Greater than normal volume of evidence.
5. Extended discovery period is needed.
6. Problems locating or preserving evidence
7. Pending parallel investigations or actions by government.
8. Multiple use of experts.
9. Need for discovery outside United States boundaries.
10. Existence of highly technical issues and proof.

**CONTINUED ON REVERSE****FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_

AMOUNT \$ \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

MAG. JUDGE (IFP) \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE  
(Referral)

NATURE OF SUIT \_\_\_\_\_

CAUSE OF ACTION \_\_\_\_\_

## VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

### CONTRACT - "0" MONTHS DISCOVERY TRACK

150 RECOVERY OF OVERPAYMENT &  
ENFORCEMENT OF JUDGMENT  
152 RECOVERY OF DEFALTED STUDENT  
LOANS (Excl. Veterans)  
153 RECOVERY OF OVERPAYMENT OF  
VETERAN'S BENEFITS

### CONTRACT - "4" MONTHS DISCOVERY TRACK

110 INSURANCE  
120 MARINE  
130 MILLER ACT  
140 NEGOTIABLE INSTRUMENT  
151 MEDICARE ACT  
160 STOCKHOLDERS' SUITS  
190 OTHER CONTRACT  
195 CONTRACT PRODUCT LIABILITY  
196 FRANCHISE

### REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

210 LAND CONDEMNATION  
220 FORECLOSURE  
230 RENT LEASE & EJECTMENT  
240 TORTS TO LAND  
245 TORT PRODUCT LIABILITY  
290 ALL OTHER REAL PROPERTY

### TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

310 AIRPLANE  
315 AIRPLANE PRODUCT LIABILITY  
320 ASSAULT, LIBEL & SLANDER  
330 FEDERAL EMPLOYERS' LIABILITY  
340 MARINE  
345 MARINE PRODUCT LIABILITY  
350 MOTOR VEHICLE  
355 MOTOR VEHICLE PRODUCT LIABILITY  
360 OTHER PERSONAL INJURY  
362 PERSONAL INJURY - MEDICAL  
MALPRACTICE  
365 PERSONAL INJURY - PRODUCT LIABILITY  
367 PERSONAL INJURY - HEALTH CARE/  
PHARMACEUTICAL PRODUCT LIABILITY  
368 ASBESTOS PERSONAL INJURY PRODUCT  
LIABILITY

### TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

370 OTHER FRAUD  
371 TRUTH IN LENDING  
380 OTHER PERSONAL PROPERTY DAMAGE  
385 PROPERTY DAMAGE PRODUCT LIABILITY

### BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

422 APPEAL 28 USC 158  
423 WITHDRAWAL 28 USC 157

### CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

441 VOTING  
442 EMPLOYMENT  
443 HOUSING/ ACCOMMODATIONS  
444 WELFARE  
440 OTHER CIVIL RIGHTS  
445 AMERICANS with DISABILITIES - Employment  
446 AMERICANS with DISABILITIES - Other  
448 EDUCATION

### IMMIGRATION - "0" MONTHS DISCOVERY TRACK

462 NATURALIZATION APPLICATION  
465 OTHER IMMIGRATION ACTIONS

### PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

463 HABEAS CORPUS- Alien Detainee  
510 MOTIONS TO VACATE SENTENCE  
530 HABEAS CORPUS  
535 HABEAS CORPUS DEATH PENALTY  
540 MANDAMUS & OTHER  
550 CIVIL RIGHTS - Filed Pro se  
555 PRISON CONDITION(S) - Filed Pro se  
560 CIVIL DETAINEE: CONDITIONS OF  
CONFINEMENT

### PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

550 CIVIL RIGHTS - Filed by Counsel  
555 PRISON CONDITION(S) - Filed by Counsel

### FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

625 DRUG RELATED SEIZURE OF PROPERTY  
21 USC 881  
690 OTHER

### LABOR - "4" MONTHS DISCOVERY TRACK

710 FAIR LABOR STANDARDS ACT  
720 LABOR/MGMT. RELATIONS  
740 RAILWAY LABOR ACT  
751 FAMILY and MEDICAL LEAVE ACT  
790 OTHER LABOR LITIGATION  
791 EMPL. RET. INC. SECURITY ACT

### PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

820 COPYRIGHTS  
840 TRADEMARK

### PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

830 PATENT

### SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

861 HIA (1395ff)  
862 BLACK LUNG (923)  
863 DIWC (405(g))  
863 DIWW (405(g))  
864 SSID TITLE XVI  
865 RSI (405(g))

### FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

870 TAXES (U.S. Plaintiff or Defendant)  
871 IRS - THIRD PARTY 26 USC 7609

### OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

375 FALSE CLAIMS ACT  
400 STATE REAPPORTIONMENT  
430 BANKS AND BANKING  
450 COMMERCE/ICC RATES/ETC.  
460 DEPORTATION  
470 RACKETEER INFLUENCED AND CORRUPT  
ORGANIZATIONS  
480 CONSUMER CREDIT  
490 CABLE/SATELLITE TV  
891 AGRICULTURAL ACTS  
893 ENVIRONMENTAL MATTERS  
895 FREEDOM OF INFORMATION ACT  
950 CONSTITUTIONALITY OF STATE STATUTES  
890 OTHER STATUTORY ACTIONS  
899 ADMINISTRATIVE PROCEDURES ACT /  
REVIEW OR APPEAL OF AGENCY DECISION

### OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

410 ANTITRUST  
850 SECURITIES / COMMODITIES / EXCHANGE

### OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

896 ARBITRATION  
(Confirm / Vacate / Order / Modify)

\* PLEASE NOTE DISCOVERY  
TRACK FOR EACH CASE TYPE.  
SEE LOCAL RULE 26.3

## VII. REQUESTED IN COMPLAINT:

CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$\_\_\_\_\_

JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

## VIII. RELATED/REFILED CASE(S) IF ANY

JUDGE \_\_\_\_\_

DOCKET NO. \_\_\_\_\_

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. \_\_\_\_\_

, WHICH WAS

DISMISSED. This case IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

SIGNATURE OF ATTORNEY OF RECORD

DATE



**UNITED STATES DISTRICT COURT**  
**For the**  
**Northern District of Georgia**

## **SUMMONS IN A CIVIL ACTION**

TO: Defendant: KEYSTONE CONTRACTORS, INC.  
Registered Agent: Martin Mabie  
221 Midville Road  
Brooks, GA 30205

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Goldberg & Loren, P.A.  
James M. Loren, Esquire  
100 South Pine Island Road - Suite 132  
Plantation, Fl 33324  
Phone: (678)224-5702  
E-Mail: [JLoren@goldbergloren.com](mailto:JLoren@goldbergloren.com)

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.

You also must file your answer or motion with the court.

---

**CLERK**

DATE

(BY) DEPUTY CLERK

**UNITED STATES DISTRICT COURT**  
**For the**  
**Northern District of Georgia**

JAMES WATSON, )  
vs. Plaintiff(s), ) Civil Action No.  
KEYSTONE CONTRACTORS, INC., )  
MARTIN MABIE, )  
Defendant(s). )

## **SUMMONS IN A CIVIL ACTION**

TO: Defendant: Martin Mabie  
221 Midville Road  
Brooks, GA 30205

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Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Goldberg & Loren, P.A.  
James M. Loren, Esquire  
100 South Pine Island Road - Suite 132  
Plantation, FL 33324  
Phone: (678)224-5702  
E-Mail: [JLoren@goldbergloren.com](mailto:JLoren@goldbergloren.com)

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.

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**CLERK**

DATE

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(BY) DEPUTY CLERK